

CANVASSING



KANSAS

AN UPDATE ON ELECTION NEWS IN KANSAS

HAVA Update

Funding for the Help America Vote Act of 2002 (HAVA) is closer than ever to becoming a reality. On February 20, 2003, President Bush signed an omnibus appropriations bill which includes partial funding for HAVA. Kansas could receive federal funds for HAVA implementation as early as this spring or summer.

HAVA is divided into sections referred to as titles. The law authorizes federal spending for HAVA implementation on the state level in Title I and Title II. It is now up to Congress to appropriate funding for HAVA in accordance with the amounts authorized in the law. This bill is the first Congressional step toward full funding of HAVA.

Title I mandates federal funding in the amount of \$650 million for activities to improve administration of elections and the buyout of antiquated voting machines. This portion has been fully funded and Kansas will receive \$5 million this year. The money Kansas will receive is a portion of the "early money" to be used for election administration improvements; we are not eligible to receive buyout money because Kansas does not currently use punch card or lever voting machines.

Title II authorizes \$830 million for development of a new federal commission to oversee implementation, as well as election assistance payments to states. After filing a state plan for HAVA implementation, Kansas will be eligible to receive election assistance payments up to \$27 million over the next three years. This section, however, is not fully funded and the amount Kansas could receive this year remains undetermined at this time.

"Kansas could receive federal funds for HAVA implementation as early as this spring or summer."

For additional information on HAVA, look for the special insert in this edition of Canvassing Kansas – the March HAVA Update.

SOS Launches Redesigned Web Site

The Secretary of State's office launched its new, redesigned Web site on February 14, 2003. The address is the same (www.kssos.org) but the design and content are new.

The site has more information than ever before, and more is being added. The number of forms available online has increased, and many of them are in a fillable format, meaning the user can type information in the blanks (or, in some cases, select information from pull-down menus), print the form, sign it and mail it in.

On the Elections & Legislative page there is a list of county election officers with their contact information. Also, the existing page for county election officers was maintained at www.kssos.org/counties. This is where many CEOs have been going to file their quarterly NVRA reports electronically.

The site's layout has improved to make navigation easier, and there is a useful search function on the front page under Quick Links. The overall appearance was improved by using scenes of Kansas landscapes as backgrounds on each page of the site.

We invite everyone to visit the new web site to see the many improvements that have been made. We would like to hear your comments and suggestions.

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KACHA Receives NASS Award

Kansas Secretary of State Ron Thornburgh has awarded the National Association of Secretaries of State Medallion Award to the Kansas Advisory Committee on Hispanic Affairs.

The award was presented to KACHA Executive Director Tina DeLaRosa in a press conference held January 16, 2003 in Thornburgh's office. The NASS Medallion Award honors individuals and organizations that emphasize voter education and participation, civic education and service to state government.

In presenting the award to KACHA, Thornburgh recognized the organization's efforts in helping his office and the county clerks in six southwest counties with new requirements to provide bilingual ballots, voting materials and oral translators in last year's elections.

Based on the results of the 2000 federal census, Finney, Ford, Grant, Haskell, Kearny and Seward counties in southwest Kansas had non-English proficient Hispanic voters in numbers great enough to be required by federal law to provide all voting materials in Spanish as well as English. (See *Canvassing Kansas*, December 2002, page 6.)

KACHA provided translations of ballots and other voting materials, including voter registration application forms, and assisted with community outreach efforts, public relations, and election board worker recruitment and training.

"I think it's an honor to have been recognized for something we knew we had to do," DeLaRosa said. "I'm glad we were a part of history in the making in Kansas. We did increase participation and knowledge. I know we had people out voting who had never voted before. We had a wonderful response from the Hispanic community."

DeLaRosa cited the efforts of Robert DeLeon, KACHA's western Kansas regional representative in recruiting election workers and helping conduct training sessions.

Thornburgh said Hispanic voters felt more connected to the voting process as a result of the bilingual efforts. He said the ballots will continue to be provided in both languages in future elections, and it is possible more counties will be added in the future. His office has offered the translated materials to other county election officers who wish to incorporate them into their election administration efforts.

The following six county clerks are also to be commended for their efforts in conducting the elections with the addition of the bilingual duties: Carol Brown, Finney County; Vicki Wells, Ford County; Linda McHenry, Grant County; Sharon Hinkle, Haskell County; Jana Swank, Kearny County; Stacia Long, Seward County.

New Voting Equipment Certified

On January 8, 2003, the secretary of state certified a new voting machine, the Avante VOTE-TRAKKER voting system, model EVC 308, for use in Kansas. The equipment is an electronic, touch-screen machine produced by Avante International Technology, Inc. This machine has been used previously in San Francisco municipal elections.

Another manufacturer, Voting Technologies International, is currently working with the Secretary of State's office to certify their voting machine for use in Kansas. There has been an initial hearing, but the certification has not yet been completed.

Our office anticipates that several more voting machines will be certified in the coming months. We will keep everyone informed in this newsletter of coming certifications.

CANVASSING KANSAS

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**Happy
St. Patrick's
Day!**



RON THORNBURGH

Kansas Secretary of State

Dear Friends:

As of this publication, HAVA has been funded and a new federal commission is being developed. By the end of 2003, the Election Assistance Commission (EAC), should be established.

County clerks and election commissioners are seeing many changes to the election process and how federal, state and county government work together. While HAVA has changed the dynamics of our relationship, our purpose has not changed. We serve the citizens of Kansas by protecting their right to democracy – the right to cast their vote.

Kansas saw the first changes in the line between federal and state roles when six counties were required to provide bilingual ballots and voting material. Change, while trying at times, is necessary to improve the service we provide Kansas citizens. Standards set forth by HAVA will blur the lines between state and county roles, but it is my goal that local decisions stay at the county level.

I have no desire to micromanage local decision making. My goal is to improve the state's and counties' ability to serve Kansans. We must continually strive to make democracy accessible to all Kansas citizens and HAVA is a big step in the right direction. I look forward to working with each of you this year, as we explore the extent to how HAVA can improve America's best democratic feature, the right to vote.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron", written over a large, stylized capital letter "P".

RON THORNBURGH
Secretary of State

2003 Elections Legislation

The Secretary of State's office has proposed five bills in the 2003 legislative session, and the Election Committee of the Kansas County Clerks and Election Officials Association has proposed three. We are sending periodic updates on the legislation by e-mail to all county election officers. The list of bills we're tracking is below. Some of these bills are the SOS bills, some are the KCCEOA bills, and some are other bills affecting Kansas election officers that everyone needs to be aware of.

The status of these bills is not included here, although it is included in the periodic email updates. If you wish to know the status of a particular bill, watch your e-mail or check the legislature's web site at www.kslegislature.org/.

Senate Bills

SB 16—Persons applying for driver's licenses must provide social security numbers in addition to other requirements. Social security numbers are not publicly disclosed.

SB 69—The date of the August primary in even numbered years is moved from the first Tuesday in August to the Tuesday following the 4th Monday in August.

SB 76—Meetings of task forces and advisory committees assembled by elected persons who have not yet taken office are required to be open meetings. This applies to the governor, county commissioners, city governing bodies and school boards.

SB 77—Cities and counties may make official publications on internet web sites instead of newspapers.

SB 79—If a city adopts an ordinance enforcing building codes outside the city's corporate limits, a protest petition containing 5% of qualified electors may be submitted to the county election officer. If a valid petition is filed, an election is held at the next primary or general county election.

SB 95—Proposed by the SOS. Deletes statutory language limiting political parties' names to two words and repeals two statutes banning parties that advocate treason or overthrow of the government. Bill proposed as result of 2002 lawsuit filed against SOS by Natural Law Party and American Civil Liberties Union.

SB 96—Candidates for state office who expect to receive or spend less than \$500 on their campaigns can file an affidavit of exemption with the Governmental Ethics Commission and not have to file regular campaign finance reports.

SB 101—Proposed by SOS. It would cancel the 2004 presidential preference primary if the legislature doesn't provide \$1.75 million requested by SOS to reimburse counties for costs of conducting the PPP.

SB 102—Proposed by SOS as a ballot bill. It would: (1) prevent double voting by advance voters by making their ballots provisional if they requested a mailed ballot, then voted a replacement advance ballot in the office, then went to the polling place and surrendered their mailed advance ballot and voted another ballot. In both situations the ballots would be provisional so election officers can prevent both ballots from being counted. (2) Require canvassers to count partial ballots when

voters cast provisional ballots in precincts other than where they reside due to election board error or voter error.

SB 103—Proposed by SOS as a recall bill. It would: (1) Clarify which election results to use in calculating recall petition requirements (the election when the person being recalled was elected, or the most recent election), (2) establish state and county recall boards to review recall petition grounds and format instead of having the county attorney or SOS do it, (3) require that the grounds for recall and statement by the person being recalled be kept on file in the CEO's office for public inspection instead of being posted at the polling place.

SB 138—Persons convicted of federal or state felonies would have their right to vote reinstated when they received a certificate of release from the department of corrections. The department of corrections would be required to provide the SOS with a monthly list of convictions and releases.

SB 166—Clarify KSA 25-3901 to say that if an elected official resigns, the party that chooses his/her replacement is the party the person was in at the time of election, not the party when the resignation took place (in case a person changes party affiliation during the term of office).

SB 172—Change the date of the state/national primary from the first Tuesday in August of even numbered years to the Tuesday following the fourth Tuesday in August, and (2) move the primary and general elections for city offices and local school board members from the spring of odd numbered years to the August primary and November general election dates in even numbered years to coincide with state/national elections. Along with the dates of the city/school primary and general elections, the bill also moves the candidate filing deadlines and the publication of notices of the elections in newspapers to even numbered years.

SB 190—Changes the nomination and election of members of the state board of education from partisan to nonpartisan, and moves the election of state board of education members from the August primary and November general elections in even numbered years to the spring elections in odd numbered years. The bill also has provisions for appointing persons to fill vacancies on the state board of education and for filling vacancies in candidacies for the board.

SB 196—State and local government employers may not withhold or divert an employee's wages for political contributions except on written request of the employee.

SB 205—Establishes a Kansas commemorative coin design commission to design the state commemorative quarter for Kansas and submit it to the federal government for coinage. Requires SOS to collaborate with state board of education to submit four designs to all high school students in the state in an election to determine the winner.

SB 217—Abolishes the Governmental Ethics Commission and transfers its powers and duties to the SOS to become a new division of ethics in the SOS office.

SB 220—Abolishes the elected offices of state treasurer and commissioner of insurance and transfers their duties and functions to the department of administration. The secretary of administration would appoint the heads of the new divisions. There would be no statewide elections for treasurer or commissioner of insurance after 2002.

SCR 1607—If approved by 2/3 of both houses of the legislature, the resolution would create a statewide vote on an amendment to the Kansas Constitution that would: (1) create an independent redistricting commission to draw congressional, Kansas House and Senate, and state board of education districts instead of having the legislature draw the lines, and (2) abolish the adjustment of the US census that subtracts out-of-state college and military persons and counts others at their permanent residences.

SCR 1608—If approved by 2/3 of both houses of the legislature, the resolution would create a statewide vote on an amendment to the Kansas Constitution that would limit the annual legislative session to 88 calendar days.

SCR 1611—If approved by 2/3 of both houses of the legislature, the resolution would create a statewide vote on an amendment to the Kansas Constitution that would have members of the state board of education elected by local school boards instead of the voters in the state.

House Bills

HB 2049—Elections may be held to create district attorney offices to replace county attorneys in judicial districts if the county commissions in all counties adopt resolutions or if the voters file a petition with the SOS requesting the election.

HB 2061—Proposed by the KS Assoc. of School Boards, this bill would delete “misconduct in office” and “incompetence” from the statutory grounds for recall of elected officials.

HB 2079—Requires all voters, both at the polling place and voting in advance, to present identification in order to vote. Acceptable identification may be driver’s license, photo identification, utility bill, bank statement, government check, paycheck or other government document showing name and address, or social security card.

HB 2142—Changes the system for holding elections for retention of judges. Establishes a bifurcated system where the Supreme Court mails a retention ballot to each lawyer in the district, then the county election officer conducts the regular retention election for all other voters. If the aggregate total of both elections totals 100% in favor of retention and the second phase of the election results in a majority vote in favor of retention, the judge is retained in office.

HB 2146—Moves the August primary from the 1st Tuesday in August to the 3rd Tuesday in September.

HB 2149—Requires meetings of task forces, advisory committees of governing bodies and those created by elected persons who have not yet taken office to be open meetings.

HB 2212—Proposed by the KCCEO election committee, it changes the effective date for annexations before an election from 30 days to 60 days before the election.

HB 2213—Proposed by the KCCEO election committee, it provides a deadline for local governing bodies to submit special questions to get them on the ballot in the regular election. Dates are: candidate filing deadline for the primary election, and date of county canvass after the primary for the general election.

HB 2214—Proposed by the KCCOE election committee, it allows the county election officer to appoint a bipartisan write-in board to search sealed sacks of ballots for write-in votes if the counting board failed to tally the write-ins.

HB 2283—Local school district capital outlay elections must be held at the next primary or general election and not at a special election.

HB 2288—Proposed by the SOS to implement necessary provisions of the Help America Vote Act of 2002 (HAVA)—the federal election reform legislation. It has 5 main provisions: (1) requires voters to provide identification at the polling place or in advance voting, (2) requires all provisional voters to sign an affidavit, (3) allows federal services voters to submit one application and receive ballots in all elections during the period through the second succeeding general election, (4) revises the voter registration application form, (5) requires sample ballots, election date and poll hours to be posted at each polling place, (6) requires ballots cast after normal voting hours by court order to be provisional, and requires them to be kept separate from other provisional ballots until it’s decided whether they’re valid.

HB 2307—District magistrate judges elected from the entire judicial district instead of the county of residence.

HB 2342—Elections for district court judges and district magistrate judges are nonpartisan. August primaries are held only if one or more candidates would be eliminated by holding the primary. District court judge candidate filing fee reduced from 1% of salary to \$100.

HCR 5005—Concurrent resolution urging Congress to amend the National Voter Registration Act to simplify the voter registration list maintenance requirements, simplify the confirmation mailing procedures, and allow the purging of voters who fail to vote in 3 consecutive elections.

HCR 5011—If approved by 2/3 of both houses of the legislature, the resolution would create a statewide vote in the November 2004 general election on an amendment to the Kansas Constitution that would prohibit certain increases in income taxes.

2003 KCCEOA Officers Installed at KAC Convention

The annual changing of the guard occurred at the Kansas Association of Counties Convention in Wichita on November 19, 2002.

KCCEOA members had met most of the morning to discuss various election issues. Secretary of State Ron Thornburgh delivered an overview of the 2002 primary and general elections, including a discussion of redistricting and the lawsuit over congressional redistricting.

Thornburgh and members of his staff discussed how the 2002 elections were the first major elections held since the KCCEOA and SOS adopted the Kansas Election Standards.

Plans for 2003 elections legislation were made, and Karen Hartenbower, Lyon County Clerk and chair of the KCCEOA election committee, conducted

a committee meeting after the general session to discuss the Association's legislative plans.

A lively discussion titled "Election Pitfalls" was held at the end of the Secretary of State's presentation. Many election administration problems and solutions were discussed by KCCEOA members.

We wish to recognize outgoing KCCEOA President Dorothy Stites, Stafford County Clerk, for her efforts during the past four years as a KCCEOA officer and especially thank her for her leadership as president during the post-2000 debate on federal election reform.

The Secretary of State's office will meet again with KCCEOA members at the statewide convention in Manhattan on Thursday, May 8.

New KCCEOA Officers

President: Rich Vargo, Riley County Clerk

Vice President: Linda McDowell, Phillips County Clerk

Secretary: Rebecca Bossemeyer, Geary County Clerk

Treasurer: Sherrie Riebel, Allen County Clerk

Welcome 2003 County Clerks

Vienna Janis was appointed Osborne county clerk on February 3, 2003. She replaces Lillie Bristol, who was county clerk for seven years. Prior to being appointed county clerk, Vienna worked in the private sector and also worked in the county extension office. In her spare time, she enjoys reading, bowling and spending time with her family. We hear that she particularly enjoys the bowling alley in Manhattan!

Sonya L. Stohs was appointed Marshall county clerk on November 18th, 2002, replacing Gayle Landoll, who was county clerk for 34 years. Prior to being appointed county clerk, Sonya worked in the county clerk's office for three years. In her spare time, she enjoys sports, walking, and cooking. She is married with two children, ages three and six.

Leann Jones was appointed Nemaha county clerk on January 2, 2003. She replaces Anita Heiman, who was county clerk for 18 years and worked in county government for a total of 26 years. Leann previously has worked in the county clerk's office for five years and in addition, spent 20 years with the sheriff's office. Needless to say, her experience around the courthouse will prove invaluable. In her spare time, Leann spends time with her two grandchildren and is an avid walker.

Welcome to the new clerks, and we wish all the best for the recently departed clerks who had a combined experience of 60 years as clerks.

SOS Presents Check to KCCEOA

At the annual meeting of the Kansas Association of Counties in November, Secretary of State Ron Thornburgh presented a check in the amount of \$5,000 to the County Clerks and Election Officials Association for their scholarship fund.

The secretary of state donated money that was collected from various media outlets for immediate, real-time access to election night results. Newspapers, radio, and television stations may opt to pay the fee for a direct link to the secretary of state's computer on election night. Some of the money collected pays for computer programming costs and the balance is the amount donated to the scholarship fund.

Spring Elections in Full Swing

With the January 25 candidate filing deadline and, in many counties, the February 25 primary elections behind them, county election officers have turned their attention to the April 1 city/school board general election.

The typical number of counties reported that they had enough candidates to require primaries.

Many counties are also having community college board of

trustees, hospital board and drainage district board of directors elections. Advance voting begins March 12, and the deadline to register to vote in the April 1 election is March 17.

Some counties have also reported they are having special elections in conjunction with the general election, everything from sales tax questions and school bond elections to recalls and school district consolidations.